

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MATTHEW SCOTT WHITE,

Petitioner,

vs.

ELDON K. MCDANIEL, *et al.*

Respondents.

3:10-cv-00803-HDM-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court for initial review under Rule 4 of the Rules Governing Section 2254 Cases. The filing fee has been paid.

Upon preliminary review, it appears that the single ground presented potentially may be resolved based upon a limited number of state court record materials.

IT THEREFORE IS ORDERED that the Clerk of Court shall file the petition and accompanying motion for counsel.

IT FURTHER IS ORDERED that the Clerk shall add Attorney General Catherine Cortez Masto as counsel for respondents and shall make informal electronic service of this order (together with an attachment with a copy of the petition) upon respondents by directing a notice of electronic filing to her. Counsel shall enter a notice of appearance within twenty (20) days thereafter.


IT FURTHER IS ORDERED that, within sixty (60) days of entry of this order, respondents shall file -- and serve upon petitioner -- an indexed set of exhibits with copies of the following, in chronological order:

- 1 (a) the charging instrument(s);
- 2 (b) the trial transcript, if previously prepared;
- 3 (c) the sentencing transcript, if previously prepared;
- 4 (d) the judgment of conviction and any amendments
- 5 thereto;
- 6 (e) the briefing and/or fast track statements on direct
- 7 appeal;
- 8 (f) the order of affirmance and remittitur on direct
- 9 appeal;
- 10 (g) all papers filed by or on behalf of petitioner
- 11 presenting state post-conviction claims in the state
- 12 district court;
- 13 (h) the transcript of the post-conviction evidentiary
- 14 hearing;
- 15 (i) the written decision of the state district court on
- 16 state post-conviction review;
- 17 (j) all papers accepted for filing by or on behalf of
- 18 petitioner presenting claims to the Supreme Court
- 19 of Nevada on the post-conviction appeal;
- 20 (k) the order of affirmance and remittitur on said
- 21 appeal; and
- 22 (l) a declaration or affidavit by an appropriate
- 23 correctional official stating the current status of
- 24 petitioner's sentence under the conviction being
- 25 challenged, including, if the sentence has expired,
- 26 a statement as to whether petitioner currently is
- 27 serving a sentence imposed consecutively to the
- 28 sentence under the conviction being challenged.

1 IT FURTHER IS ORDERED that the exhibits shall be filed with a separate index of
2 exhibits identifying the exhibits by number or letter. The CM/ECF attachments that are filed
3 further shall be identified by the number(s) or letter(s) of the exhibits in the attachment. Cf.
4 No. 3:06-cv-00129-LRH-VPC, ## 20-27. The purpose of this provision is so that the Court
5 and any reviewing court thereafter will be able to determine from the face of the electronic
6 docket sheet which exhibits are filed in which attachments. **Given the anticipated small**
7 **volume of the exhibits, there is no need to send a hard copy courtesy copy of the**
8 **exhibits directed to the staff attorney in Las Vegas for this filing.**

9 **No further response – other than the above – is required from respondents at**
10 **this time, as the matter remains under screening review.**

11 DATED: February 22, 2011.

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15 HOWARD D. MCKIBBEN
16 United States District Judge
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